



CONGRESSIONAL CAUCUS FOR WOMEN'S ISSUES

REPORT TO U.S. DEPARTMENT OF DEFENSE

PROCEEDINGS OF HEARING ON SEXUAL ASSAULT IN THE MILITARY

Wednesday, March 31, 2004

**2247 Rayburn House Office Building
Washington, D.C.**

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WOMEN'S CAUCUS PARTICIPANTS

The Honorable Louise McIntosh Slaughter, Co-Chair, Congressional Caucus for Women's Issues

The Honorable Shelley Moore Capito, Co-Chair, Congressional Caucus for Women's Issues

The Honorable Ginny Brown-Waite, Vice-Chair, Congressional Caucus for Women's Issues

The Honorable Hilda L. Solis, Vice-Chair, Congressional Caucus for Women's Issues

The Honorable Carolyn C. Kilpatrick

The Honorable Diane E. Watson

The Honorable Carolyn B. Maloney

The Honorable Eleanor Holmes Norton

The Honorable Susan Davis*

The Honorable Maxine Waters*

The Honorable Sheila Jackson Lee*

**Members attended, but did not make opening remarks. A statement submitted by Rep. Sheila Jackson Lee is included at the end of this report with the Additional Member Statements.*

WITNESSES

Anita K. Blair, Deputy Assistant Secretary of the Navy for Personnel Programs, U.S. Department of Defense, Washington, D.C.

Scott Berkowitz, President and Founder, Rape, Abuse and Incest National Network (RAINN), Washington, D.C.

Jennifer Machmer, Captain, U.S. Army, Buffalo, NY

Christine Hansen, Executive Director, The Miles Foundation, Newtown, CT

EXECUTIVE SUMMARY

Women serving in the U.S. Armed Forces dedicate their lives to protecting our nation. Recent reports have exposed an alarming trend of sexual assault against women in the military, putting women in an even more dangerous situation. The Pentagon, for example, has reported more than 100 cases of sexual assaults among troops deployed in the Middle East over the past 14 months. Moreover, the U.S. Air Force is investigating its handling of sexual assaults within its service after reports that at least 142 sexual assaults occurred between 1993 and 2002 at the Air Force Academy in Colorado. Air Force officials recently confirmed that at least 92 allegations of rape involving Air Force personnel were reported in the Pacific Command between 2001 and 2003.

News accounts and reports from both the armed services and sexual assault victims indicate that the military has fallen short in providing victims of sexual assault – particularly those in combat zones – with adequate medical treatment and counseling. Indications are that many women have chosen to report the assaults only to civilian groups or not at all, for fear of punishment, lack of privacy, and lack of proper medical attention and counseling services if they report the assaults within military channels. Clearly, a close examination of this issue is necessary to ensure that the military protects the privacy of victims, provides access to appropriate medical treatment, counseling and other services for victims, and develops an understanding of what is necessary to eliminate the root causes that enable a culture to exist within the military that enables such assaults to occur.

In order to educate members of Congress and their staff about these issues and explore ways in which Congress can help find solutions to this serious problem, the Congressional

Caucus for Women's Issues held a hearing on sexual assault in the military on March 31, 2004.

Witnesses at the hearing included:

- Anita K. Blair, Deputy Assistant Secretary of the Navy for Personnel Programs, U.S. Department of Defense, Washington, D.C.;
- Scott Berkowitz, President and Founder, Rape, Abuse and Incest National Network (RAINN), Washington, D.C.;
- Jennifer Machmer, Captain, U.S. Army, Buffalo, NY; and
- Christine Hansen, Executive Director, The Miles Foundation, Newtown, CT.

Several Members of the Congressional Caucus for Women's Issues who were unable to present statements during the hearing have submitted written statements, which are also included within this report. Additionally, the report contains written testimony from three invited witnesses who were unable to attend the hearing, including a Major in the Army Reserves who reports that she was raped by an Army soldier in Kuwait in March 2003; an Air Force officer who reports that she was date-raped by a fellow officer 14 months prior to the hearing; and an Army Sergeant First Class who reports that she was raped by an officer while deployed in Afghanistan in Spring 2003.

The Congressional Caucus for Women's Issues has received more than 50 additional written statements and dozens of telephone calls from sexual assault survivors and others who have been affected by the problem of sexual assault in the military. This testimony is primarily from sexual assault survivors who are on active duty, retired military veterans, military spouses, and other interested parties. In order to respect the confidentiality and privacy of those witnesses, their written statements are not being included within this public report.

HEARING PROCEEDINGS

MS. SLAUGHTER: I am sure the Co-Chair is on her way, but let us begin. I appreciate all of you being here this morning and on time, and I think that we should start as close on time as we can.

My name is Louise Slaughter. I am the Congressional Representative of the 28th Congressional District of New York – Rochester, Buffalo, and Niagara Falls – and I thank all of you for being here this morning. This is a very important hearing for us.

I know that I speak for all of my colleagues when I say that we wish we didn't have to be here. For those of who have served for several Congresses, this issue brings on a disconcerting sense of *deja vu*, and indeed, we have been here before.

In 1991, Congress held hearings in the wake of the Tailhook Convention scandal, where women in uniform were forced to run a gauntlet of drunken military men who harassed, groped, and cursed at them.

In 1993, the Air Force Academy was embroiled in a scandal involving numerous rape cases. The Air Force leadership acknowledged a serious problem and pledged to take care and take steps to resolve it.

In 1994, the General Accounting Office study found systematic harassment of female cadets at all three service academies – West Point, Annapolis, as well as the Air Force Academy.

In 1996, drill sergeants at the Aberdeen Proving Ground were accused of dozens of cases of rape, extortion, and assault against women recruits under their instruction.

In the summer of 2002, four military wives were murdered by their husbands stationed at Fort Bragg within a space of six weeks.

And today, once again, rape and sexual assault and harassment allegations plague the Air Force Academy. And, once again, military leaders are shocked – shocked – to learn there's a problem.

One month ago, the Air Force sent a special investigator to Sheppard Air Force Base in Texas to look into the fact that two-dozen women had reported being raped in the space of one year.

Servicewomen returning from Iraq and the Middle East have reported dozens of cases of rape, and DoD has formally acknowledged over 100 instances which led to the creation of the current task force on care for victims of sexual assault. That in itself is a statement, that we will care for them now but we're still not going to be able to do much to stop it, apparently.

Today, as women Members of Congress, we hope that this is the last time that we will have to have a hearing on why these things have happened and why nothing has really changed.

For my own part, I regret to say that I've had the occasion to develop a long history of activism on behalf of women who have been assaulted in the United States armed services. You may or may not have heard the story of a constituent of mine, Air Force First Lieutenant Julie Klemm, a young woman with high intelligence, highly rated, great future ahead of her, who reported rape while she was stationed in Europe by one of her fellow officers. Not only was Julie put through a living hell by her superiors, but those superiors were later promoted and decorated.

I was a member of the delegation of women Members of Congress who went to the Aberdeen Proving Ground and met with young women there who had been brutalized. And as co-author of the Violence Against Women Act, I've had the opportunity to speak to numbers of women trapped in abusive relationships, including many military wives.

I want to make a special note of my profound concern about what is occurring at the military academies. The students who are chosen to attend those academies by Members of Congress are the cream of the crop. They are the top students. They are not people who go raping and pillaging through the village. The question that we have to ask is what happens to them once they leave home and go into the military academy situation. They are certainly not arriving there as thugs and rapists. Something happens there that allows these traits to develop and flourish in some.

As Members of Congress, we send the young people there, and I feel that I am no longer confident to look parents in the eye and tell them that the military academy is the best possible place for their daughters. And I suggest that part of the problem lies in the military's practice of not consistently separating the professional use of power and force from its personal use.

Academy cadets are given extraordinary power over their underclassmen, everywhere from the classroom to the dormitory to the dining hall, and no place are they exempt. For a teenager, this kind of power can be too easily perverted and can change the values and norms instilled by their families and their communities.

One major report on the future of the armed services defined power as "the ability to overtly or covertly affect, control, manipulate, deny, exploit, or destroy targets, including forces, people, equipment, and information, and the ability to survive while affecting targets." In the military setting, this type of power can lead to battlefield domination. But among personal relationships, this definition of power leads to conflict and violence.

Clearly, this problem has proven persistent and pernicious. The landscape is littered with failed past reform attempts. Rape and sexual violence in the U.S. military have continued even under numerous Secretaries of Defense, Joint Chiefs of Staffs, and military leaders who have come and gone. The problem goes to the very heart of the military's future. Women in the

military are here to stay, and, in fact, women are enlisting in increasing numbers, and they play a crucial role in every aspect of military operations, from supply lines to strategy.

But women are not stupid. They will not knowingly and casually put themselves at risk of sexual assault. If we do not address this problem here and now, I predict that the Pentagon will witness a growing exodus of enlisted women and growing problems in filling the positions that they occupy. In time, recruitment and retention within all of the armed services could be impacted by a woman's unwillingness to join an organization that devaluates their contributions and disrespects their basic human rights.

In organizing this hearing, my office has heard from literally dozens of current and former servicemembers all over the Nation, and even some posted overseas and in Iraq. Many of them have submitted statements for us today. Our message to them is this: We hear you and we will not allow the situation to go unchallenged.

One of the most poignant, we had a young man who called us from Iraq and said that in his command a woman was being sexually harassed, and as he reported it and tried to do something about it, he was stopped. These are the kinds of things that we want to discuss this morning.

First, I would like to introduce my colleagues for their opening remarks. First, my good colleague Shelley Moore Capito, Republican Co-Chair of the Congressional Caucus for Women's Issues, for her statement.

MS. CAPITO: Thank you, Congresswoman Slaughter, and thank you all for being here today. I am Shelley Moore Capito, and I represent the 2nd District of West Virginia. I would like to thank the panelists for being here with us this morning.

I hope each of you will take the opportunity to educate, as many of you all have in private, the Women's Caucus on what you know of sexual assaults in the military, how we can prevent them, as well as aid and comfort those who have survived attacks.

With that information you provide to us here today, we're going to continue to shed light on this problem and work with the Department of Defense to stop these attacks from happening. Each and every one of us is concerned about the welfare of the men and women we send to defend our country. And I think the American people understand that war can be violent, but what the American people will not tolerate is the assault or rape of a female soldier by a fellow soldier. How shameful.

Simply put, this is unacceptable. Women are going to serve in the military. There is nothing that will change that, and thank goodness. We need to work through this problem, understand its causes, and put in place measures that will prevent it from happening.

I would like to see the military increased training for our officers so they're better equipped to deal with the possibility of a sexual assault. The military needs to have a clear and concise protocol that protects privacy and ensures safety which women can follow in case of an attack. Appropriate medical treatment and counseling needs to be available to all women at all times during their service, no matter where they are in this world.

We recently celebrated the tenth anniversary of the Violence Against Women Act. At that time we learned of the dramatic change in attitude that our law enforcement has towards the abuse of women. We need to have a similar change of attitude in the United States military. It needs to be made perfectly clear that it is unacceptable to sexually assault a female soldier, and if you do choose to make that mistake, you will be held accountable for your actions, no matter who you are, what your rank is, or what conditions you serve under.

I look forward to hearing from the panel. I'm interested in your points of view. I can tell you that I as well as the Members of this Caucus are committed to stopping the sexual assault of women serving in our military.

Thank you.

MS. SLAUGHTER: Thank you, Shelley. I'd now like to introduce the Republican Co-Chair, Ginny Brown-Waite.

MS. BROWN-WAITE: Thank you very much.

First of all, I want to thank the panelists for being here. This is a matter that we all need to take very, very seriously. You know, years ago, law enforcement officers, when confronted with either a rape or a domestic violence case, thought, "Oh, well, she must have deserved it." I want to make sure that we don't have a Pentagon that is saying the same thing, that we don't have women in the military who are afraid to report sexual harassment and/or sexual assaults.

You know, some of us took solace in the fact, when the victims' accounts began, that the panel was formed and that the Department responded quickly to form the review panel. And I know that Secretary Rumsfeld created the task force to examine the charges.

I think really it is just the tip of the iceberg, and I think that this Women's Caucus, I think that every Member of Congress should absolutely insist that there be no excuses, that there be no coverup, and that we treat this very seriously.

I only had daughters. With what's happening, I'm afraid I would never recommend to my daughters that they ever consider the military. I think until women are a protected species, the same way that we protect some of the wildlife out there – if we had as much concern for women's rights in the military as many people have for the birds and the bees, with all of the protections that our wildlife and flora and fauna have, we need to have the same protections for females in the military.

I certainly hope that this is a productive panel and that we have a "no excuses" policy here.

Thank you.

MS. SLAUGHTER: Thank you, Ginny.

And now the Democrat Co-Chair of the bipartisan Caucus, Hilda Solis from California.

MS. SOLIS: Thank you, and I'd like to thank Congresswoman Louise Slaughter and Members of our Caucus, the Women's Caucus, for helping to put this together. This is a very, very timely hearing that we're having here, and I'm excited to see the panelists that are here – I commend you for your bravery and courageousness –and also the audience for being here, because this is an issue that oftentimes we do not get a chance to debate on the floor of the Congress.

And I just want to tell you that in just my recent years here in the Congress, I've come to learn that there are so many women that have made tremendous contributions to our Government. Two million of those women now serve on the front lines in our country, and there are currently 15,000 women who are deployed in Iraq alone, risking their lives alongside their male counterparts. These women are courageous, dedicated leaders who risk their lives for our country.

Yet, while these women are defending our country to protect our freedoms, their basic human rights are being violated. And to me that is no right and that is not just.

At least 112 female soldiers have reportedly been victims of sexual assault or rape during the past 18 months in the warfront Central Command of Iraq, Afghanistan, and Kuwait. And many of these high-ranking women soldiers have reported poor medical treatment, lack of counseling, incomplete criminal investigation by senior military officials. And some say that they've received threats warning them not to report these rapes.

What is even worse is that servicewomen who become pregnant as a result of these rapes do not have the same right to terminate their pregnancy as American women. This is because these procedures, for political reasons, are not covered as a part of a soldier's medical care.

And every year, as Members of Congress, we nominate young men and women from our districts to the military academies, and I'm proud to nominate the women who come forward in my district to serve. Their families have entrusted these young people to us, and now it's our responsibility to protect their safety and well-being.

Sexual assault is a crime that violates this Nation's proudest achievement: freedom. Surveys show that three-fourths of the female veterans who have been raped did not report the incident to a ranking officer. Women are assaulted and are scared to report instances of crime, and when they do, they're not taken seriously. What message are we sending about the values and honor of serving our military? How can we say that we're serious about defense when the most horrific crimes are occurring within our own branches of the U.S. military?

Sexual assault is zero-tolerance crime, and we have to stop it. I look forward to hearing from our witnesses, and I'm proud to be a part of this Women's Caucus because I believe all of us in our hearts know that we have to do the right thing and to help speak up about this atrocity.

Thank you.

MS. SLAUGHTER: Thank you, Hilda.

Now we'll hear from the other members who are here in order of appearances, and I would like to ask if they could be brief, if they can, so we can give all the time we have available to the panel. Carolyn Maloney, I believe you were here first.

MS. MALONEY: I thank the Caucus and the leaders of the Caucus for focusing on this tremendously important hearing on the very important issue of sexual assault in the military, and I thank our panelists as well.

This is an issue on which I've worked for many years and am committed to resolving. Plain and simple, it is wrong that women risking their lives to protect us and our country are also in danger of being assaulted by colleagues, and then they face the hurdle of reporting the incident in an environment that does not encourage reporting, can be indifferent to allegations, and is not responsive to the needs of the victims.

This problem has been studied over and over and over, and I am concerned that the recommendations of the investigators more often than not go unheeded. I am aware of at least 18 studies that have been done over the past 16 years investigating the problem of sexual misconduct in the military. But we have seen little evidence that these studies have translated into any concrete improvement for victims of sexual assault serving in our armed forces.

In light of the fact that DoD has commissioned yet another task force in response to sexual misconduct in Kuwait, Afghanistan, and Iraq, I have written yet another letter to Secretary Rumsfeld requesting that he meet with our colleagues, explain what DoD has done in response not to these recommendations but historically to the 18 reports that have been done pointing out problems in the military, serious problems. And I really want to reference one report. In 1999, I authored a bill that was supported bipartisan by this Caucus and it passed, commissioning a report. And the report came back, and it had recommendations. I want to go over these recommendations.

The first was to establish an office focused on sex crimes staffed by trained specialists on sex crimes in each branch of the military – this was the DoD recommendation in 1999 – encouraging guidance against command interference in military criminal investigations. And we have heard as Members of Congress over and over reports of inappropriate command interference. And I quote from the Denver Post recently: "Today, leniency is still the rule as military leaders continue to choose administrative punishments twice as often as criminal

prosecution for those accused of sexual assault." And we repeat that rape is a crime, a criminal crime, and should be treated as such.

They also recommended that qualified civilians and military personnel be equally eligible for leadership positions in the military criminal investigation organizations and requiring sex crime instruction in basic military investigator training.

Again, these were recommendations by DoD. The women serving in our armed forces have volunteered to protect us. We have a duty to protect them as well.

And, lastly, we respect the men and women in the military. They're risking their lives to protect us. But we need to make sure that they are respected and protected as well.

MS. SLAUGHTER: Thank you, Carolyn. Delegate Norton?

MS. NORTON: There are two young men in my office who work for me. Both of them have recently returned from overseas, one of them from 11 months in Iraq. I'm angry that the military has allowed the reputation of these courageous young men and women to be besmirched by not dealing with a problem that this Caucus alone has brought to the attention of the military now for many years.

How did it come to our attention? Because of the most serious of crimes. Not because of a military investigation. Because the press reports that young women who join the service to dedicate their lives to the armed forces and to their country are raped overseas while serving in a combat zone. That's how we know about it.

And, of course, in a bipartisan way, you have this Caucus now once again taking up an issue it has taken up before. Yes, I remember, Ms. Slaughter, that they all came in when Aberdeen, not far from here, was the subject of precisely these kinds of charges. And I want to be clear. We are not simply talking about the kind of sexual harassment very often that you see in civilian society.

I chaired the Equal Employment Opportunity Commission, and when we talked about harassment, when we talked about abuse, we were talking about the kinds of things that shouldn't be done in the workplace, but rarely involved violence.

In the military, that's exactly what we're talking about. And we're talking about murders that often are not prosecuted. We're talking about sexual abuse. And we're talking about men who come home from combat zones and are given so little attention that they begin to assault their own wives and relatives.

Something is wrong with the command, not with the average man and woman serving in the military. The young men in my office have come forward with information to me that simply astonishes me. Let me quote from one example, among many, that I regard, having read this material, as far more typical than not.

An air base in Germany, five airmen received light punishments for choking their wives or girlfriends, records indicate. Their punishments included reprimands, extra duties, and fines.

Let me tell you something about the deterrent effect of the criminal law. The reason you prosecute cases – and the last thing you want to do is to have wholesale prosecution of people in the military. But the reason you do some prosecutions is that deters you and everybody gets the point. And they will truly get the point in the military if someone sees that if you, in fact, commit a crime of the kind that would send you to the slammer in civilian society and that's what happens in the military, that stuff is going to go away because this is a command matter.

Instead, far more typically, even for serious matters – murder, rape –counseling for the serviceman is what is recommend and the command is taught. Remember the career, that it is a career that is at stake. Well, lots of careers go down the drain when you do precisely those things here.

Very, very troubled that for all the attention this has received, over the years it's received so little in the way of remedy, whether you are talking about at the highest levels, most recently at the Air Force Academy, where you're training future leaders, and rape is wholesale, or whether you're talking about in the field, in combat. And that's something that is new, or at least is new for us to discover.

Very concerned that the military doesn't take this seriously at all. This we know from all of the information we have, not only from the work we have done in the Caucus. In 1988, the Congress of the United States indicated to Defense officials that they were to report crimes to the FBI so we would at least know it. The Defense Department reports that it hasn't got the computers up yet. 1988. This is 2004. You want to tell me that at the top murder and abuse is taken seriously? I don't think so.

I don't know if the answer lies – I'm a lawyer; therefore, I look at the Uniform Code of Military Justice. I don't know if the answer lies in tweaking that at all. I respect the notion that it is command that, in fact, has discretion over whether cases shall be prosecuted. But I do know this: that the command isn't going to do what the Pentagon tells them they don't have to do. And at the highest levels, nobody has told the command what to do here because they're not doing it. They're telling people, Don't prosecute. They are not prosecuting.

We better all wake up. There is no longer a debate about women in the military. It is no longer a matter of debate. Whether you're for it or against it, this men and women's army could simply not do its work without women. Not only have women raised the quality of people in the military, you don't have the manpower or the womanpower unless there are women in the military. You are deterring young women from signing up as I speak – you, the military, not those of you in this room. We are deterring young women who read these accounts in the military and find that they will be protected less where they would expect to be protected most.

I thank you very much for your leadership in calling this hearing.

MS. SLAUGHTER: Thank you, Eleanor. Congresswoman Watson?

MS. WATSON: Thank you so much, and I do want to commend our bipartisan leadership for holding this panel. And I'm going to start with my end first.

I think Congresswoman Maloney ought to refile her bill with the signatures on it of all the women who belong to the bipartisan Caucus. I think we need to take a stand ...

MS. MALONEY: I will. Thank you.

MS. WATSON: Please. Thank you.

I think we need to take a stand. I served as a teacher on a couple of military bases abroad, and one of my – well, let me just give the name of it: Okinawa. We had an incident there of a rape that almost chased us out of the country when they reverted back to Japan. And they were asking for the Yankees to go home because three military personnel raped an Okinawan 9-year-old female. And here I am, an ambassador down in that area, and trying to defend my country. When we talk about homeland defense, it goes right – not homeland. Defense of the American people. It goes right to the behavior of Americans, home and abroad.

Now, I know that our forces who are now in Iraq are under severe pressure, both physically and psychologically and emotionally. But that does not excuse the commission of a crime. Sexual assault is a crime. And, Congresswoman Maloney, when I went to the California State Senate in 1978, I went on a women's issue, and I was going to tackle the rape law, because at that time, Congresswoman, the defense of the rapist could require the victim to take a psychiatric examination. Outrageous. It was the only crime that required the victim to take a psychiatric exam. How outrageous is that?

We're all offended. Men as well as women are offended. And so to allow it and to look the other way and say it's all right to do it under your colors is absolutely the biggest outrageous kind of thinking, and we need to do something about it.

MS. SLAUGHTER: Thank you, Congresswoman.

MS. WATSON: So I just want to say thank you, and this is not a beginning because I understand you've been at this.

MS. SLAUGHTER: Some years.

MS. WATSON: But it's re-energizing all of us to go forward and to make law in this area.

MS. SLAUGHTER: Thank you very much.

Congresswoman Kilpatrick?

MS. KILPATRICK: Thank you, Madam Chair, for your leadership and for calling this most important hearing. I am a recent member to the United States Air Force Academy Board of Visitors. I had my first meeting about a month ago, all day long of learning, and for the last three months have been reading about the academy and, of course, about the sexual assaults and all that goes with it.

I invite any of you to contact my office and me as I need information as we go forward. We will be in Colorado in the next month or so at our next meeting, and I do plan to spend a couple of days before the meeting getting to know and asking for small meetings with people who are interested in talking and educating me as a Member of Congress and in my new responsibility.

I think the Fowler Commission did an excellent job in making some of the recommendations, and I would hope that we see some of those implemented very soon. To have sexual assault ignored, not prosecuted, perhaps moving that command staff and going right to the

courts is an action that should be taken. I need more information as a member of the Board of Visitors, and I count on you who have been involved and know much more than I do at this point some of the things we ought to do.

So I welcome you here this morning. Thank you for your courageousness. I probably would not have been appointed had you not spoken up, and I commend you. It is an evil in our country, not just in the military, and rape anywhere is a crime against humanity and mankind.

Thank you so much, and I look forward to working with you.

MS. SLAUGHTER: Thank you very much, Congresswoman. Now we will hear from our witnesses. I'd like to introduce each of you just before you speak, but we will hold questions until we hear from all four of you.

It is my privilege to introduce these witnesses, and I would like to start first with Ms. Anita Blair, the Deputy Assistant Secretary of the Navy for Military Personnel Policy. Ms. Blair is responsible for policy and oversight relating to personnel matters affecting Navy and Marine Corps active duty servicemembers and their families.

In prior public service, Ms. Blair chaired the Congressional Commission on Military Training and Gender-Related Issues. She has served on the Virginia Military Institute Board of Visitors, where she chaired the board's initial Assimilation Review Task Force, providing continuing oversight of issues related to the admission of women to VMI.

Ms. Blair, thank you very much for coming to speak to us.

MS. BLAIR: Thank you very much. Good morning, Madam Co-Chairs and Members of the Caucus. It's a pleasure to be here. I appreciate the opportunity to meet with you and address this very serious subject.

I am not sure if you are aware, but the original witness who was scheduled to appear today had a family medical emergency, and I was pressed into service. And so I want to

acknowledge that you may have questions today that I am not able to answer or that may, you know, require a prediction of the efforts of the ongoing task force. But I want to assure you that each and every one of your questions, comments, concerns, and direction is extremely important to us, and those that I am not able to help you with today we will definitely take back for a response.

MS. SLAUGHTER: Thank you.

MS. BLAIR: Sexual assault is criminal conduct and will not be tolerated in the Department of Defense. Sexual assault is an offense against our institutional values, and leaders at every level have a duty to take appropriate steps to prevent it, protect victims, and hold those who commit such offenses accountable.

As you know, on February 5th, the Secretary of Defense expressed his great concern about recent reports regarding allegations of sexual assault and directed that the Under Secretary of Defense for Personnel and Readiness review how the Department handles prevention, treatment, and care of victims of sexual assault.

Ms. Ellen Embrey, Deputy Assistant Secretary of Defense for Force Health Protection and Readiness, was tasked on February 13th to lead a DoD task force on care for victims of sexual assault. That task force began its work on February 17th and will report its findings through the Under Secretary to the Secretary of Defense by April 30th. That very important work is under way.

The task force has a lot to do in a very short period of time and requires a focused effort to gather information, analyze findings, and provide their recommendations. In this process, the task force will rely on the expertise of many, within and outside the Department. In fact, the task force has requested input from both RAINN and the Miles Foundation represented here this

morning. Other subject matter experts will be drawn from the personnel, equal opportunity, legal services, medical, social sciences, and criminal investigation communities.

The task force's effort has a victim-centric approach. It will assess if victims of sexual assault are being properly treated and if their medical and psychological needs are being properly met. Task force members will address the reporting of sexual assaults. What are the processes for reporting? Are private reporting channels available, especially in theater?

The task force will look at policies, the effectiveness of programs and processes in place to assure they are effective, and that related issues are dealt with promptly. To that end, the task force has met with more than 1,100 individuals in one-on-one and focus group discussions with servicemembers serving in the United States and deployed locations.

The task force is charged to make actionable recommendations that will enhance prevention efforts, encourage reporting so that offenders can be held accountable, and to improve our response to reports of sexual assault, particularly with respect to victim care and safety, whether deployed or on home station.

While the task force has much to do in a short period of time, I have been advised that they will meet the April 30th deadline. We in DoD look forward to their findings and recommendations. We are committed to doing all that we can to assure the Department supports the victim and that we have appropriate services in place to make a positive difference for those who serve.

Thank you.

MS. SLAUGHTER: Thank you, Ms. Blair.

Our next witness is Scott Berkowitz, the president and founder of the Rape, Abuse & Incest National Network, or RAINN, which is America's largest anti-sexual assault organization. RAINN created and operates the national sexual assault hotline, educates more than 120 million

Americans a year about sexual assault, and leads national efforts to improve services to victims and ensure that assailants are brought to justice. RAINN also works with the military to provide sexual assault prevention training.

Mr. Berkowitz, thank you for discussing this problem with us today, and I hope you will tell us why it hasn't worked up to now and what we can do to change that.

MR. BERKOWITZ: Good morning. Thank you, and thank you, Members of the Congressional Women's Caucus, for inviting me to join you today.

Friendly-fire incidents have long been one of the risks and tragedies of war, and thousands of American soldiers have lost their lives or limbs to accident, miscalculation, or miscommunication. Today we have got a whole different sort of risk from within the ranks. While these friendly-fire incidents, if you can call them that, leave no trail of blood, they leave many damaged souls in their wake, and they rob our country of the services of many we have trained and nurtured to protect us. And they rob our soldiers of their dignity and their equanimity and often their sanity.

But, of course, this metaphor isn't perfect because, unlike friendly fire, these are not accidental incidents. These are intentional. And these are criminal. And unlike friendly fire, they don't end even once we have won the battle.

So we are here to discuss really two related problems: one, how to help victims of sexual assault while ensuring that rapists are prosecuted and punished; and, second, how to prevent the attacks from happening in the first place.

Before I get into specifics, I want to make two things clear. One, I am not here to bash the military. I think that the problems it faces are quite similar to those faced by large colleges and faced by civilian institutions. It's unfortunate but, for the moment, true: Where there are many thousands of young, single people, there are, unfortunately, a high number of rape victims.

There's no question that military culture is unique and presents unusual challenges to providing services for victims, as well as unusual challenges in trying to investigate and prosecute cases. But I think it's that culture itself and the tremendous discipline inherent in that culture that gives me some hope that we can improve the situation.

You already know the statistics, such as they are. The Armed Forces Harassment Survey reported that 3 percent of military women and 1 percent of military men were sexually assaulted in 2002. Studies by the Department of Veterans Affairs found that as many as 29 percent of veterans served in VA clinics have been victims of sexual assault while they were in the military. Precise numbers are somewhat elusive, but I think ultimately unnecessary. How big is the problem? It's big enough. It's big enough that we need to fix it.

So how do we fix it? We can start with victim services. As you have note, servicewomen returning from Iraq and Kuwait describe in detail the lack of services provided to them after their assaults and the fear that has kept many of them from reporting to the chain of command. There is no consistency or uniformity at the moment in the delivery of services to sexual assault victims within each branch of the military, much less across services. And, most importantly, there is no confidentiality afforded to victims who seek help.

Much research and our experience serving rape victims has shown us that they respond to their crime quite differently from victims of other crimes. Mental health professionals widely agree that rape is the most traumatic violent crime. The FBI ranks it as the second most violent crime, after only murder. In other words, put another way, it's the most violent and traumatic crime that a victim lives to remember.

And remembering comes very easily to victims of rape. Sexual assault is devastating, often causing post-traumatic stress disorder, depression, sleeplessness, and a long list of other emotional problems. Victims, particularly those who do not get counseling help, are many times

more likely to become addicted to drugs or alcohol and commit suicide. Embarrassment and shame are almost universal among rape victims.

In the civilian world, these reactions help explain why most rape victims are so reluctant to report their attack to police or even to their own friends and family.

Now, add to this mix the fact that reporting will mean everyone knows – and I do mean everyone, from your superiors to your bunkmates. Add in the fear of retaliation, and maybe the fear of being punished yourself for drinking or another infraction. And the prospect of a notation in your permanent personnel record that you superiors will always be able to examine and ponder, a mark that may jeopardize your security clearance that is important to your advancement.

So that is the reality of today's soldier who is attacked in trying to decide how to go about her next steps and whether to report it.

If we could control events after an attack, we would just order victims to report to authorities. They would get the medical and mental health help they need; we'd investigate, we'd prosecute; life would return to relative normal. And that is pretty much the system we have in place today – on paper.

The problem is it doesn't work, and that is the key point that I want to leave you with today. It can never work, no matter how hard we try and no matter how committed the people who are tasked to implement the policy. Most victims simply will not report without a guarantee of confidentiality. As former Congresswoman Tillie Fowler, who chaired the Air Force Academy panel, told me, every victim they interviewed – every single one – told the panel that they would never report without the guarantee of confidentiality. So that is what we are faced with.

I think we can do a couple things to try and improve the situation, adapting lessons that we have learned from the civilian victim service world. First of all, victims who receive prompt, quality, confidential services return to full strength much more quickly. They are able to perform at their jobs better. They reintegrate with their families in a much healthier manner. And perhaps most importantly, from a public policy perspective, they are far more likely to report their attack to law enforcement authorities and to pursue prosecution. And, of course, more reports to law enforcement mean more prosecutions, which means fewer sexual assaults.

The military already provides some counseling services. The quality and availability vary by base, and many bases still lack victim advocates, despite congressional intent. But, still, of the services that now exist, many are quite good. We shouldn't abandon that system, but we should improve it by making it consistent and by standardizing training of first responders and command leadership. We need to make sure that every medical outfit has trained forensic nurses and rape kits on hand to collect evidence. We need to make sure that counselors are available 24/7; that within ranks, it is the rapist who is ostracized, not the victim. Eventually, these improvements may inspire enough confidence to persuade many victims to stay within the system, to get help on base despite the lack of confidentiality.

But in the meantime, for the majority of victims – those who won't get help without confidentiality – rather than asking the military to allow confidentiality on base, the idea of which meets great resistance from those wary of establishing such a precedent, I think it makes the most sense to offer a confidential, off-base alternative.

This does not have to be terribly expensive. These services already exist in over 1,100 communities around the country, at rape crisis centers funded through the Violence Against Women Act and other congressional initiatives. And they are accessible through the national sexual assault hotline, for instance. The most efficient approach, I think, is to take advantage of

those existing resources. Where we have trained, experienced counselors in place, they can be trained to expand their knowledge for specialized details of the military and the unique needs of servicemembers.

Ideally, soldiers accessing these services won't remain outside the system for too long. Our experience and research by the University of Illinois leads us to believe that once the initial trauma passes, many can be encouraged back into the military system to pursue prosecution – assuming, that is, that the standard operating procedures change enough to make vigorous pursuit of rapists the norm. Given a renewed commitment to prosecution by base commanders, these off-base counselors could encourage victims to pursue justice. Rape crisis staffs now routinely play the role of victim advocate, guiding victims through the sometimes Byzantine world of the civilian justice system. With training, they could be well equipped to play a similar role for military victims, and that would also give us a check on the on-base processes. This would give us an outside person who is intimately involved with each case and has an incentive to be anywhere from a *nudge* to a real pain and make sure that investigations are going forward.

Of course, even with these changes, some victims will never consent to report their attack to authorities. But even in that worst-case scenario, we will have made an improvement over the current system. Soldiers today, the norm is that they receive no services, they keep their attack a secret, and we send them to battle with this terrible emotional thing inside them that they can't tell anyone about. At the very minimum, if they get help, they are going to be better soldiers, and that is in our self-interest, of course.

The last civilian lesson, I think, that we need to mention is that prevention and education programs can work. We train our soldiers in so many areas. Our military probably trains young people better than any institution on Earth. So I have no doubt that, with command leadership, with the direction from senior officials, an effective prevention program can be implemented.

But we need to recognize that the most effective prevention – and ultimately the only kind that is going to work – is discipline and full buy-in from leadership. Prevention programs need to be able to credibly communicate leadership's personal commitment to zero tolerance and to the punishment of all who commit such crimes.

One of the most troubling – you know, we have heard a couple things, talking to base commanders and talking to Pentagon folks about this. There are a lot of people that want to do the right thing, and base commanders have said: What do we do? People just are not reporting. How do we know these are happening? How do we help people?

The answers for those folks, I think, are fairly easy. I think we can put the right programs in place, and I think that there is going to be a willingness by a lot of those base commanders to take an active role. I think they are finally seeing the seriousness and the extent of the problem.

But the more troubling episodes are the letters we get and phone calls we get from victims. In some cases, their rapists confessed and yet no charges were brought. This isn't being treated like a crime. This isn't being treated like a crime that is close to murder. It is being treated like a parking ticket or an overdue book. And that needs to change, and that can only come from strong leadership and discipline from the top.

So I thank you for your leadership and for your work on this.

MS. SLAUGHTER: We thank you for your work, too, Mr. Berkowitz. You gave us a lot to think about there.

Our third witness is Captain Jennifer Machmer, who is originally from just outside my district in Buffalo, New York. Captain Machmer, I want to give special thanks to you this morning because you show a lot of courage to come forward and share your story with us.

Captain Machmer was commissioned in December 1999 and went on active duty in September 2000. She recently returned from a tour of duty last year serving our country in Kuwait as an army lieutenant and was promoted to captain in December.

Captain Machmer graduated December 1999 from Gannon University in Erie, Pennsylvania, with a degree in electrical engineering.

We thank you so much for being here today. I know it is difficult, and we cannot tell you how grateful we are that you are willing to come forward. Thank you so much.

CAPTAIN MACHMER: Thank you. I'd like to share my story –

MS. SLAUGHTER: Pull the microphone a little bit closer, if you will please.

CAPTAIN MACHMER: I'd like to share my story, starting with my first year being stationed in Darmstadt, Germany. As a second –

MS. SLAUGHTER: We need the microphone a little bit closer. And maybe you could speak up a little.

CAPTAIN MACHMER: As a second lieutenant, my first deployment was to Poland, and I encountered an NCO who had major difficulties with me as his platoon leader. This came to my attention through some soldiers who could not handle what was being said about me.

I immediately counseled the soldier, removed him from the area, sent him back to Germany, and this incident happened on September 27th of 2001.

Now, on March 6th of 2002, this soldier received punishment from the battalion commander. I mean no offense by what I am about to read, but this is the exact statement from his DA Form 2627, the record of proceedings. This is what he was charged with.

"I am considering whether you should be punished under Article 15 UCMJ for the following misconduct: in that you did, at or near Zmeska (ph) Woods, Poland, on or about 28 September 2001, behave yourself with disrespect towards Second Lieutenant Jennifer Machmer,

your superior commissioned officer, by saying, "I should just call up the LT and tell her she needs to get rid of that old man," – referring to my husband, who is 10 years old than I am. "She needs some of me," or words to that effect. And, "What was she thinking anyway? Maybe it's because old man will kick the bucket soon," or words to that effect. And, "Man, I would like to fuck the shit out of her. I would like to break her back. Why is she with that old bastard? He must have a big dick. She needs a little Sergeant [redacted]¹ in her. I hate that fucking cunt. But I'd like to tear her in half," or words to that effect. And that, "If Charlie Company went to war, you were to frag Second Lieutenant Machmer so the enlisted soldiers would not have to worry about anything," or words to that effect. This is in violation of Article 89, UCMJ.

This soldier received a reduction in rank to specialist. He forfeited \$876.20 for two months and had extra duty for 30 days. This soldier still walks that base I worked on.

In May of 2002, I needed marital counseling. I decided to turn to a chaplain, Major – who is now a lieutenant colonel – [redacted]² of Heidelberg, Germany. I had known him about a year. I met him on a race in Germany. Being that I am an avid runner, that is where I met him.

I confided in him about many personal issues, which later turned against me being that I made myself vulnerable to this man without realizing what his intentions were. This became a full-blown sexual abuse, and it went on for four months. I felt very betrayed, very embarrassed, and very trapped as well. He offered to be a coach for me for a marathon, which was one of my biggest goals in life. So I continued to see him, being that he was helping me with one of my biggest goals, but at the same time I was, you know, compromising. You know, to run a marathon, I was compromising. And it was unwanted, but I didn't know how to deal with it.

This ended in September, and this is when we were told we would be going to war. So I just buried it in my mind and said mission first, I will prepare my soldiers to go to war.

¹ Name redacted.

² Name redacted.

A recent update on that, Chaplain []³ is leaving Germany within the next few months, and his next duty station is here in D.C. That concerns me that a perpetrator is going to be here.

I felt going to war would relieve me of some of the stress. I left for Kuwait in February of 2003. I was again assaulted in March by an NCO, Master Sergeant []⁴. There was no way I could file away another violation, a sexual violation. So I went and I reported it within a half-hour. The aftermath of reporting it has been terrifying. I am being medically boarded out of the military. I have been offered 30-percent temporary recruitment, but in return I am being directed to go to a formal hearing. Normally you have that choice, but the board wants to hear the details of all my assaults in order to come to agreement on what percentage I deserve.

MS. SLAUGHTER: Do you mean that they rate it? Is that what you are saying?

CAPTAIN MACHMER: Yes, they rated it at 30-percent temporary recruitment.

MS. SLAUGHTER: But if they hear the details, they may think it is worth another percent?

CAPTAIN MACHMER: They may think it is higher; they may think it is lower. I am not sure where the board stands on that.

This NCO – we went through the entire investigation. Article 32 found enough evidence to go court-martial. However, this investigation took way too long. It was finally in August that this man received punishment. At least I thought he received punishment. I just found out this morning that he never received punishment. He is now serving in Fort Knox, Kentucky, finishing out his career, while I am here being raped of my career in such terms.

The revictimization throughout this whole process is amazing. Every time you turn around you are revictimized or retraumatized. And some recommendations just from my experience alone – which I know other women and men have felt the same things. I have read

³ Name redacted.

⁴ Name redacted.

their stories as well, and I have had it checked to make sure I was not reading about myself. But these are some of the things that I have noticed. Investigations are taking way too long to solve. A soldier should not wait six or seven months to hear the result of a case. We need overall better care and protection for the victim. The victim needs immediate medical care and immediate counseling offered. Also, medication seems to be an easy solution. If medication is offered, it needs to be carefully monitored. I told my doctors I would OD if I had medication. They released me from the hospital with a week's supply of four different medications. I returned a few remaining pills back to them, and it was not a surprise.

The victim definitely should not have to work with or be in the same area of operation as the assailant. The NCO in Kuwait, I had to deal with him all the way until August when he was finally returned back to Germany, and then again when I was returned back in September for depression, I ran into him the second day I was there. The command never informed me of his being there. It is very traumatizing.

Stability is needed in many areas of the legal and medical aspects. In the case of Master Sergeant []⁵, I was given five different lawyers in a six-month period. In the hospital, I have been assigned three different primary doctors in a three-month period. This retraumatizes the victim each time we have to trust somebody new, and trust is a major issue when you have been violated.

A victim also should not be charged with a crime based on their own testimony. In June, CID called me and said, "You are being charged. We need you to come in." The charges were fraternization and conduct unbecoming of an officer, and I was the only one who gave testimony. The NCO never spoke.

⁵ Name redacted.

Also, if a victim requests family members to be present after the alleged assault, the military should provide means to get that family to that victim or the victim to the family. My mother was thousands of miles away and felt extremely helpless. And for me, my mother is my means of support.

Also, medical records should be available to the victims in a time frame – a certain time frame. I had requested my medical records back in January. I put four requests in. I went and checked on them last week. They are missing. There is a search out for my medical records at Walter Reed.

Also, I have received some documentation from doctors, and I have learned that the doctors really need to go over these medical records with the victims because there are misunderstandings going on that the – you know, I say one thing, another thing is written; I see it written. I don't understand where they got that from. Or if it is something I am going through which is part of the post-traumatic stress disorder or something, I need to understand that. It just does not to be documented. I need help in understanding what is going on in my mind.

This also ties in with being assigned numerous doctors. I have these files. I cannot find these doctors what they meant or why they wrote this stuff about me.

The medical board is a very long process. I have been here since the 25th of November. My future has been put on hold and it is still on hold because I have not reached the formal hearing yet while Master Sergeant []⁶ is in Fort Knox, Kentucky, doing his own thing. How fair is that?

And rape needs to be understood better across the board. I am being told by some people in the military that I was not raped by Master Sergeant []⁷ because I was only digitally penetrated. I don't care what part of the body somebody uses. I was violated.

⁶ Name redacted.

⁷ Name redacted.

And a final note, I don't believe in a zero tolerance policy working, and my misunderstanding is how can this be taken seriously when commanders at all levels are allowing the perpetrators to remain in the military but kicking the victims out? I offer this: Discharge the perpetrators and help the victims stay in the military. This offers numerous advantages. Victims become survivors. A survivor is the most highly educated and experienced person you will ever find in the military. Why not ask the survivors that volunteer for an additional duty? This duty would be to sponsor the new victims. We know rape and harassment is not going to end immediately. It would make a world of difference to know we are not alone and that there is another armed servicemember out there wearing the same uniform that has survived. And this will also help put the trust back into the military system, the trust that we have dedicated years of our lives to. We want that back.

I am willing to further discuss any issues that I have mentioned. I know there are a lot of issues surrounding abuse in the military. But I also know that nothing will change unless people are willing to change them. I ask for your help in ensuring changes are made in the best interest of the victims and survivors of military abuse.

Thank you.

MS. SLAUGHTER: Thank you, Captain Machmer. Certainly you illustrate the depth of the problem, and we thank you again so much for coming forward.

Now we turn to our final witness, Christine Hansen. We thank you, Christine, for your patience. I know it is always difficult to speak last on a panel, but you are the executive director of the Miles Foundation, a private, nonprofit organization dedicated to providing victim services specifically to the military community and sexual assault prevention training to military personnel. In addition to numerous other research and work that you have done, you are the author of numerous publications addressing both sexual assault and domestic violence within the

military. Your resume is much too long to do justice to you, so I just want to give you time to give us your thoughts and recommendations. And I certainly hope that you will address why someone like Captain Machmer could not have gotten more help.

MS. HANSEN: Good morning, Madam Chair and Members of the Caucus. Thank you for inviting me to provide information, analysis, and recommendations relative to the challenges for victims, survivors, and advocates associated with sexual and domestic violence in the U.S. armed forces.

The Miles Foundation has provided services to over 20,000 survivors of interpersonal violence associated with the military. This encompasses 11,000 survivors of intimate partner violence and over 6,000 survivors of sexual violence since 1996.

I would like to focus upon some reported cases within the services and among the private service providers relative to prevalence, the current state of affairs, and recommendations for change.

The foundation has received reports of 129 credible cases of sexual assault predominantly occurring in Iraq, Kuwait, Afghanistan, and Bahrain. Twenty-seven survivors have reported the incidents to military authorities including commanders, chaplains, military criminal investigators, and security forces.

The foundation has also received reports of 347 credible cases of sexual assault associated with U.S. military installations, both CONUS and OCONUS, during the same 18-month period of time. Twenty-three current or former cadets of the U.S. Air Force Academy have sought information, assistance, and advocacy from the foundation.

The numbers, however, do not tell the whole story. Violence against women associated with the military presents unique challenges for victim safety and offender and system accountability.

The common threads among the cases include: accessibility to medical care and services, including testing for STIs, HIV, and pregnancy; the availability of emergency contraception and medication; availability of mental health counselors and rape trauma specialists; the accessibility of chaplains; the accessibility of victim advocates, victim witness liaisons, and attorneys; the accessibility and availability of information relative to the rights of victims; the accessibility and availability of rape evidence kits and trained personnel to perform the examinations and evidence collection; the lack of or incomplete nature of criminal investigations; numerous administrative hearings conducted by commanders. Often we find the characterization of an attempted or a completed rape, as in Jennifer's case, as "fraternization" and/or "adultery"; the presence of pornography; the isolation of a victim, and issues of safety, particularly the ongoing presence of an alleged assailant and the readily accessible weapons; fear of adverse career impact; fear of adverse impact on security clearances; and the retaliation or retribution by peers and/or commanders.

The many faces in this room, at home, in uniform, on duty at home and abroad, and at our many veterans' centers provide a considerable service and make a considerable sacrifice to our Nation.

Some of the courageous women include Beth, who is a major in the U.S. Army reserves. During Operation Iraqi Freedom, she was sexually assaulted by a noncommissioned officer during a scud missile attack. She followed the reporting procedures, including undergoing the collection of evidence during another scud missile alert. The emergency contraception, in Beth's words, was "simply handed to me as a lot of pills to take. I went on birth control pills in the event that this happened to me again." Beth further notes, "When the evidence came back, it 'proved' that my attacker had penetrated my vagina. CID came to the assumption I had lied. I did not like about my attack. I just do not recall." She expresses sincere concern "because I

cannot identify my attacker, his DNA that was collected after the attack and his DNA on file cannot be used to identify him...and yet another woman should not have to go through what I've been put through." She concludes, "I now understand why women will not go to authorities to report sexual assaults. The authorities make you the perpetrator." Recently, Beth received all the evidence collected following her attack via the U.S. Postal Service, with a handwritten note noting that her case was now closed.

Laurie is a sergeant in the U.S. Army. She has recently returned from Afghanistan. She was sexually assaulted by a soldier serving with the coalition. According to Laurie, "The clinic was set up for mass casualties and sick call, without the privacy needed for examination of a sexual assault." Laurie says she was given "a lot of antibiotics, rather than emergency contraception" or testing for STDs, HIV. Further, mental health cleared her to go forward on missions again, feeling it would be good for her to keep busy. Her supervisor, however, changed his mind and decided that Laurie should not go on. From that time on, she felt as if she was being treated because she had been a victim of a sexual assault. She also recalls that some male soldiers accused her of being at fault for the rape, including proclaiming that she had made false allegations. She submitted to evidence collection and an investigation by U.S. military authorities noting, "Each time I had to say I was raped and where, it was like being raped" all over again. She was not referred for follow-up tests. In order for her to receive additional testing including HIV, Laurie has to go on sick call, explain it to at least three different people in the process, and have the chance of being overheard by other patients. Laurie's case was turned over to the coalition partner. Her alleged assailant, a captain in a coalition nation military, was assigned to a peacekeeping operation in the Balkans within the last month.

Tobey is a lieutenant in the U.S. Air Force. She was allegedly sexually assaulted by a fellow officer. According to her testimony, military criminal investigators and

JAG officers told her, "If I were the defense attorney, I would tell you that you gave the offender mixed signals and that 'no' was not enough." She recalls that she did not just say "no." She physically held on to her panties. She salutes her assailant every day. She trained for over a year for a highly classified mission. She has since lost her security clearance.⁸ She concludes her testimony with, "I feel like I am being punished for a rape that happened to me."

Tara, a lieutenant in the U.S. Marine Corps, and Jesse, an enlisted Navy reservist, share a unique bond. They are victims of the same alleged assailant, a sergeant in the U.S. Marine Corps. The women delayed reporting the incidents to military authorities due to the fear of career impact and reprisals. Both now await military justice.

The challenges for Audra reflect those relative to the collection and processing of evidence and the failure to identify and prosecute a servicemember for an assault. The challenges for Jennifer mirror the challenges for female officers relative to acquaintance rape and threats or charges of adultery, fraternization, and conduct unbecoming. The challenges for Darlene illustrate the conflict of interest inherent in military jurisdiction, as well as the additional trauma when retaining a victim and an alleged assailant in the same unit.

In recent days, several court-martials have been conducted including the prosecution of a female officer for adultery, sodomy, fraternization, and conduct unbecoming following a sexual assault. The officer would have faced 26 years in prison if she had been convicted on these charges. We received word late yesterday afternoon she was not convicted on those particular charges, but she is now spending 30 days in the brig due to a drinking incident. The prosecution of a male medic for two sexual assaults recently resulted in a two-year sentence. An Article 32 hearing in another case included posing questions to the victim and her family relative to family finances and media coverage.

⁸ Subsequently a review of her security clearance was conducted, and her security clearance has been reinstated at the same level as prior to her assault.

One other point that needs to be made is there is an overlap between domestic violence and sexual violence within our society generally but more specifically within the U.S. military.

Domestic violence in the military was illuminated in the mid-1990s when preliminary data concerning the prevalence rate among Army soldiers was compared to the civilian population, noting the rate was at least 2.5 times higher than the civilian rate.

Kim, who is an Air Force veteran, was a victim of sexual assault during her military service, followed by domestic violence within her marriage to an army sergeant.

Robin and Lori share a special bond as the wives of a naval security officer convicted of domestic violence and adultery. Lori remains in a witness protection program since his release from the brig after several months.

The testimonials furnished to Congress also emphasize the disturbing trend which runs through domestic and sexual violence cases in our armed forces, regardless of the branch: the revictimization of the victims. The lack of effective responses and protocols within our armed forces has created an atmosphere where female and male reporters are not only endangering their personal safety, they are also potentially jeopardizing their personal freedom and their careers. The military may have created a code of silence. In light of the great many sacrifices these women and men make on behalf of our country, this code is unacceptable and more than disrespectful. Our service women and men deserve better. That is why we are here today, to demand standards and protocols that protect our service women and men in the same manner they protect us, with unrelenting dedication, courage, and valor.

On behalf of victims, survivors, and advocates within the military community, we encourage the adoption of emergency protocols, including: making rape evidence kits available at the unit level; making victim advocates and victim witness liaisons available at the unit level; increasing the availability of emergency contraception and testing supplies for STIs, HIV, and

pregnancy; supplying personnel with training and education to collect and process evidence; ensuring that victims are informed of their rights and the status of any investigations, administrative or criminal; crafting a list potentially of senior NCOs or officers who have basic rape crisis training to act as liaisons and advocates for victims; and pre-deployment training in sexual assault for all leaders, noncommissioned, senior noncommissioned, and officers.

Senior leadership should set a standard for behavior and ensure instruction to officers, senior noncommissioned and noncommissioned officers to fully establish a zero tolerance policy. The U.S. Armed Forces must ensure a safe environment for soldiers, sailors, marines, airmen and women, as well as their families and partners.

We ask for the standardization of policies and programs among the military departments in order to ensure victim safety and offender and system accountability. Priority must be given to the barriers which preclude access to services, care, and treatment for victims.

These barriers including: mandatory reporting procedures, the lack of privacy and confidentiality of communications, fear of adverse career impact, and the fear of being charged with disciplinary infractions, as we have seen at the U.S. Air Force Academy, such as alcohol, drugs, fraternization, or adultery.

The absence of confidentiality is the most significant deterrent to victims reporting abuse to military authorities. The lack of confidentiality may be even more an issue for officers than enlisted women. Although victimization should not adversely affect a woman's career, there is widespread concern and evidence that it has a serious impact.

The adoption of a nondisclosure or privacy privilege has been recommended by task forces and commissions for years. In addition, Congress has encouraged the Department of Defense to adopt a nondisclosure policy in order to address this barrier to seeking help, resources, and treatment.

We also urge the development of a military-wide protocol to standardize responses within and among the services. The adoption of best professional practices evident in our civilian community should include sexual assault nurse examiners, sexual assault response teams, and domestic violence response teams.

We believe that training, training, and more training to alter the culture may not result in policy and social change without a foundation of laws, policies, and programs. Thus, we urge a review of the statutes under the Uniform Code of Military Justice, recent military case law, and administrative regulations. The review should include, but not be limited to, the lack of a rape shield provision, privacy in cases of sexual assault and domestic violence, response of military law enforcement at the scene of a domestic violence incident, fatality review panels, and the Armed Forces Domestic Security Act.

A review of disciplinary actions contained within personnel records would also serve to educate and inform relative to the response of leadership to a zero tolerance policy. The precedent for such an analysis is contained in the "Abuse Victims Study" mandated by Congress in 1993.

We urge Congress to build upon the victim advocate program within the Department of Defense, as authorized in 1994 and supported by recent appropriations and protocols, by creating an Office of the Victim Advocate. This office would restore access to services and treatment, standardize protocols among the military departments, reduce the bureaucracy for victims and survivors, and remove the barriers to reporting for military personnel, families, and partners.

We also recommend the approval of a \$10 million appropriation for fiscal year 2005 to support the office, contract victim advocates, establish a victim advocate protocol, and standardize services, care, and treatment among the departments.

Finally, the Office of the Victim Advocate was supported by over 80 local, state, and national organizations and several hundred survivors when outlined within "Improving the U.S. Armed Forces Response to Violence Against Women: Recommendations for Change" in 1999. We continue to collaborate with anti-violence groups, women's organizations, battered women's shelters, rape crisis centers, prevention specialists, service providers, human rights advocates and activists in order to ensure a full inquiry, the adoption of emergency measures, and the implementation of long-term solutions for current and future generations. The Napoleonic code of divide and conquer will not detract from this significant effort to obtain privacy, safety, and reform for military personnel, families, and their partners.

On behalf of victims, survivors, and the advocates who serve this population, thank you for the opportunity to present this testimony. We believe that the establishment of an Office of the Victim Advocate will go far to restoring services and safeguarding military personnel, families, and partners.

Thank you.

MS. SLAUGHTER: Thank you, Christine.

I will start the questioning now, and let me just say a couple things myself, if I may.

First, Ms. Blair, having a task force have a time certain to end, the end of April, does not make me think that they are going to be thorough enough. And we have seen this numerous times, and nothing really has come of it. We will send this testimony over to the task force, but what strikes me is that the UCMJ has a different aspect, obviously, of a person charged with rape. A civilian obviously would be arrested, taken away, tried, convicted perhaps, or not. And that seems to me to be a very heavy lack here.

As I understand it, the task force itself is only to provide victim services and what you can do to make it better for victims. What we would like to see us do is do everything we can to prevent victims.

My concern again is, hearing these stories over and over of being victimized, having to salute your rapist every day borders on cruel. And certainly some attention should be paid immediately to separating the person who has been charged until some adjudication has taken place from their regular duties, which I think would serve to show other members that this will not be tolerated.

I am not sure – I wish we had the statistics. I would love to know how many people have been charged and really what some of the adjudication of those cases were. As I understood from Christine, you had 129 reported.

MS. HANSEN: Yes.

MS. SLAUGHTER: And only 20 of them had reported to –

MS. HANSEN: Only 27 have gone forward to date and reported to military authorities.

MS. SLAUGHTER: The others just came to you?

MS. HANSEN: Yes. They're in the process.

MS. SLAUGHTER: If that small percentage of women in the services are afraid, and in the military academies – because certainly we know awful things, too, of young women with great promise, doing wonderful work, have had their careers ruined because it seems to me – and I don't want to make a broad assumption here, but the assumption is that the victim is probably not telling the truth and that they have to prove over and over and over again, despite evidence that they are.

And, Captain Machmer, if you were assaulted by a chaplain, I find that terribly – did I understand from your testimony that not any of the men that you had reported were really punished, that they have all gone on with their careers?

CAPTAIN MACHMER: Currently the chaplain situation is being investigated. I was very hesitant to go to the military due to my experience in Iraq with the military system. Therefore, I went to the Church of the Nazarene. Unfortunately, I talked to a gentleman who was a prior military servicemember. I reported it to him, not knowing he was prior military. He told me he would take care of it and he was very sorry. At the same time, he is kind of like friends with this chaplain that did this, and he is also friends with the chaplain's supervisor. So he knows everybody I was talking about.

I actually had my advocate, Dorothy Mackey, call this chaplain because he upset me so much on a second phone call telling me it's my word against his word, Chaplain []⁹ has a 20-year record of good standing, we don't know you.

And the chaplain actually told Dorothy Mackey that why would they believe me, I have been abused as a child and I have received psychiatric care. So this is an ongoing investigation now. I was called on Friday by an investigating officer in Germany. I don't know who started that investigation because I have not gone to CID. But as far as –

MS. SLAUGHTER: What were you told, that you were being called in for another investigation? Is that what you are saying?

CAPTAIN MACHMER: This investigating officer is investigating the –

MS. SLAUGHTER: Did he tell you why?

⁹ Name redacted.

CAPTAIN MACHMER: No, and when I asked him, I said, "How am I going to know what is going on with this investigation?" He told me I will need to contact Chaplain []¹⁰, which is the chaplain that abused me, that's his supervisor. So my only –

MS. SLAUGHTER: We can assume from that that case is continuing?

CAPTAIN MACHMER: Yes, but at the same time, I can assume from that that Chaplain []¹¹, being that I went to him back in October and told him what happened and he did nothing about it, is now being forced to investigate in order to cover his side.

MS. SLAUGHTER: Do you feel the fact that you had one report and then another was held against you?

CAPTAIN MACHMER: I am sorry?

MS. SLAUGHTER: The fact that you made the first report and then not much happened there; the second time you made a report on a different incident, that that would hurt your record, that you have had two reports?

CAPTAIN MACHMER: It has definitely been challenging, because the more you report, the more they say you are making this up. I am not proud to be a victim.

MS. SLAUGHTER: I understand. Of course you are not.

CAPTAIN MACHMER: I am proud to be a survivor. There is a big difference there.

MS. SLAUGHTER: I am proud you are a survivor as well.

CAPTAIN MACHMER: Thank you.

MS. SLAUGHTER: But this is very troubling, and I don't really want to be a part – and I am sure none of my colleagues do – of just one more hearing that really doesn't come to very much here. I think the time after 10 years is really ripe for us to really make some great statements here.

¹⁰ Name redacted.

¹¹ Name redacted.

As my colleague pointed out, when we wrote the Violence Against Women Act, we insisted that the perpetrator, the accused, had to be removed immediately, and we have reduced violence by 50 percent. But certainly I think it would not be asking too much to have the military do the same thing. But we will see what we can do about that.

Thank you all very much. Do you have something you wanted to add?

MS. HANSEN: Representative Slaughter, I wanted to add to Jennifer's testimony that, regrettably, we often find that the victim finds herself facing information, sometimes accusation, that she may have been a victim of abuse prior to the incident she is reporting, potentially during her childhood or something else.

There is a significant amount of research out there that indicates that victims can be additionally vulnerable, but it is inappropriate for us to assume that it indicates anything beyond that, that they may be additionally vulnerable to such assaults.

MS. SLAUGHTER: Well, it certainly seems – and, again, I wish we had more statistics on it. Maybe we can try to find some. But from the testimony I have heard this morning, what I would gather from that is that the perpetrators can go on with their career, the victims are destroyed in many cases.

Thank you very much.

MS. CAPITO: Yes, thank you all for your testimony. I kind of hear a common thread going through this: the lack of privacy, the lack of immediate response, the lack of evidence collection, the lack of punishment. But I see in terms of the military a dynamic that we are in presently in that we have so many deployed forces. My question is more, I guess, of a practical nature in formulating a solution. Can the solutions that Scott talked about be worked into a battlefield situation, where people are moving, temporarily living in, you know, tents possibly for 3 months to 6 months?

You know, I think that the Department of Defense cannot rely on civilian solutions because – I mean, yes, the basics of them, certainly, but we are going to have to be much more aggressive and much more creative in trying to answer some of the questions, you know, even at the basic, evidence collection. What are you going to do?

But I see that, you know, with the use of computers and other things, we can – certainly I don't want a victim talking to a computer, but in terms of privacy of medical records or something like that might be useful. And I was wondering if, Ms. Blair, you might have a reaction to that if you are seeing – you know, if you imagine that it would be a two-standard kind of thing, the light force and then the base force reaction, those kinds of things.

MS. BLAIR: Well, I wouldn't want to guess about how such a thing, but I can assure you that that very issue of whether our processes and programs are appropriate for different kinds of environment is being thoroughly examined and we are indeed, as you suggested, trying to be creative and responsive in terms of looking at the different kinds of environments in which people in the military may be and assuring ourselves that they can be equally protected no matter where they are.

MS. BROWN-WAITE: Jennifer, as I listened to your story, your sad story, I remembered one of the first constituents who came to me after I got elected. It was a young lady who lives in my county who was in the Air Force. She was all of 18 when she joined. Her commanding officer believed that she was "depressed and homesick," so he actually broke the law, engaged in the practice of medicine, gave her some antidepressants, and then sexually assaulted and raped her.

When she came to me, I was a little concerned. I talked to her parents. I also checked out her in the community. She was a good student. She was a good girl. Joined the military, had this happen to her. She was discharged, given a dishonorable discharge. And I am looking

here because I e-mailed my office and asked them to just refresh my memory to make sure I was right. She was given a dishonorable discharge. The man who perpetrated this on her had to forfeit just about the same amount of money that the perpetrator in your case did.

There was a book a while ago called, "Blaming the Victim." That is my concern about what is going on in the military. We are blaming the victim.

I went and took up her case as a very personal charge. We got that changed to an honorable discharge. And she also was given a re-enlistment code that would enable her to re-enter the military. Why she would want to after that, I would never know.

You know, I am not sure that any one of us here has all of the information, so what I would ask, Ms. Blair, is if we could have a listing of the charges of sexual assault, and certainly blocking out the names, but the list of the cases since maybe January of 2000, what the final disposition was both for the victim and for the perpetrator. And I would ask if the fellow members of the panel would agree with me to make this request and make it public. I think it also would be revealing as to how long it takes to get something resolved.

Now, bear in mind that these are only the women who are brave enough to come forward. You multiply that by many, many times the number of women who said, "Why bother?" Because the word is out there, you are going to be blamed. You are the victim, you are going to be blamed, and the perpetrator is going to get a slap on the wrist.

Happily, in my constituent's case, we had it changed from a dishonorable to an honorable discharge, but she will be scarred for the rest of her life, as will every single victim. And I think until we have some numbers, at least, to look at, I think that we might be in a situation where perhaps we might be misled. So I would ask the indulgence of the other panel members here if we could have that information so that we can take a look at it, and we will make a formal request for that information.

You know, again, we as lawmakers should never be in the position of accepting excuses. There is no excuse to condone this. And if all you are doing is slapping the wrist or imposing a very minimal fine on the perpetrator, then what you are going to have is a military with people who are perpetrators and who know that they can get away with it. And that is just plain wrong. It is wrong for every woman, and it is also wrong for every man in the military.

Thank you.

MS. SOLIS: Thank you, panelists, and I want to again commend our leadership of the Women's Caucus for having this. You have greatly helped to educate this Member here about some of the realities that you have had to face, particularly you, Jennifer. And, again, I commend you for that.

Just having worked on domestic violence issues myself as a former legislator in another State, the term of "vertical prosecution," is that something that we might want to look at in terms of having to avoid going through seven attorneys who may not even be well versed on sexual assaults and DV, is to make that assignment – make something available so that you do indeed have attorneys that are sensitive, knowledgeable with the laws, and can follow through on a case, if it is 7 weeks or 2 years or whatever, someone that could actually know the victim, know what the circumstances are, and know a better sense of how to direct the case. That is something I want to throw out there, and you can probably come back.

MS. HANSEN: Congresswoman Solis, that is actually one of the recommendations we have made to the Department of Defense. In addition to that, in regards to emergency procedures or protocols, we have also made some recommendations about taking reservists who are medical personnel, discovering whether or not they have been trained as sexual assault nurse examiners, if they have that training and certification, and putting them in place as well. In addition to that, discovering if reservists or those who are active duty may have some additional

training in dealing as a rape crisis counselor, et cetera, and taking advantage of that additional education and training they have. But I think vertical prosecution is one of the significant recommendations we have made.

MS. SOLIS: One last thing I didn't hear from anyone. Because of the recent recruitment efforts in some of the immigrant communities for the military, you have a large number of Latinas that have now enlisted. And I would like to see statistics or information, if there is any appearance there of assaults against them. They have unique distinguished characteristics as well. It could be language barriers and obviously cultural barriers. And the notion of having – not just for Latinas but Asian women and other immigrant women, having interpretive services available to them as well, attorney as well as counseling services, that is something that I am working on, but I know that in the military could be even far removed from even anyone's thought about giving some support for that effort.

So I would love to have that information, and I just commend you, and I am sure we will work on legislation to provide \$10 million or more for the services that are immediately needed. So thank you again.

MS. MALONEY: I thank the bipartisan Caucus and all of the panelists.

Captain Machmer, what has happened to your alleged sexual assault rapist, Chaplain []¹²? Have they docked his pay? Have they promoted him? Have they demoted him? What has happened to your assailant?

CAPTAIN MACHMER: When the abuse happened, he was a major. He is now a lieutenant colonel.

MS. MALONEY: So he has been promoted?

CAPTAIN MACHMER: He is.

¹² Name redacted.

MS. MALONEY: He was a major when he raped you, right?

CAPTAIN MACHMER: Yes.

MS. MALONEY: And now he's a lieutenant colonel.

CAPTAIN MACHMER: The abuse stopped in September of 2002. I did not report it to his chain of command until October of 2003, being that I went to Iraq. And when I came back, I just could not deal with it anymore. And, actually, the first person I told was his wife, and his wife is fully supportive of me because she had felt very alone in her situation being married to him, knowing he is verbally and mentally abusive at home.

MS. MALONEY: Well, after you reported his abuse of you, was he promoted after that report?

CAPTAIN MACHMER: He was promoted in the time frame of 2002 and 2003, so he was already a lieutenant colonel by the time I reported it.

MS. MALONEY: And where is he now?

CAPTAIN MACHMER: He is still in Heidelberg, Germany, and like I said before, his next duty station is here in D.C. And he is now aware that I reported him, and I live here in D.C. So it is a very uncomfortable situation knowing he is going to be in this area once again, and I may have to face him.

MS. MALONEY: What your testimony shows is that if you are a woman in the military and get raped, you are discharged. If you are a man in the military and rape your colleague, you get transferred, and you just might get a promotion. And that is outrageous and it is wrong. If you are a woman and you get raped, you get discharged. And if you are a man, you just might get a promotion and a transfer.

CAPTAIN MACHMER: Right.

MS. MALONEY: I have one question to all of the panelists. If there was one thing you could do to prevent sexual assault in the military, what would be that action? Anyone? All of you?

CAPTAIN MACHMER: I would have to definitely say it starts with punishing them accordingly. Scare these other perpetrators in knowing that they will be punished. They will lose their career. They will lose everything that they have. They may lose their spouse. Their financial situation may be destroyed. Their friends may turn their backs on them. Let them feel the pain that victims have felt.

MS. MALONEY: Very good.

Would anyone else like to add to that?

MR. BERKOWITZ: I agree. Just a serious and concerted effort at prosecuting hundreds of cases. Get enough of them convicted, and I think the deterrent effect will start very quickly.

MS. MALONEY: I would just like to add one request to Ms. Brown-Waite's excellent testimony when she asked for a review. I would like to add to that request how many of the rapists, the alleged rapists, have been promoted since the accusation was placed on them.

Thank you very much.

MS. KILPATRICK: Thank you, Madam Chair. Always being last is always the best because you have the benefit of hearing from everyone else, and I want to say ditto to all of that. You have given certainly a charge to move forward as we address from supplies to training to victim rights, timely hearings, doctor-victim relationships.

I am an appropriator. I like what you said, Ms. Hansen, something we can do today. And I am going to leave here and do just that, and I want to establish immediately the Office of Victim Advocate and the \$10 million that you asked for. The defense budget is going through. It is two-thirds of the – I am an appropriator. The Federal budget is \$2.2 trillion after you take

out Medicare, veterans, and the entitlements, 60 of us divide up \$800 billion, of which the military gets two-thirds, which means that the rest of the Government gets everything else. There is no reason why out of that \$400 billion budget we cannot find \$10 million for this advocacy office. And I am going to leave this office today, this room today and go begin working on that.

I hope you have some paper that you can give me on it, and I hope you have done some work on it. As an appropriator, we can ask for the earmark. We can put it in and do some background. I think we need to do that forthwith, starting today.

I commend all of you and all the work that you do. It is not very pleasant, but you do it, and certainly our citizens of this country need it. I am begging you today to get back with me before you leave the Hill and give me something on the Office of Victim Advocates because we have to do that.

And thank you, Madam Chair and Co-Chair, for just having this hearing. Sometimes when we talk about things and bring things to light, it is a lot better than keeping it quiet. Only a fraction – and I think you said it, Ms. Hansen, 129 and only 27 came forth. Something is very wrong with that, and it is retribution, it is punishment, it is demeaning, it is embarrassment of all of that.

As a member of the Academy Board in the Air Force and learning as I go on my learning curve, I note we have had information and been reading, over 20 percent of the military don't believe that women ought to be there. That is the problem. Over 20 percent of the enlisted men in the military don't believe that women ought to be serving, which compounds some of the things that we have been talking about this morning.

I commend you. Thank you very much, and let's get right on that advocacy office. We have got to have it. You have got to demand it, by the way, the audience who is here. Don't just

let your federal government do things. Push back. Speak out. Organize. Support one another. And certainly the women of our country, and sometimes the men, as you have all mentioned, who have had these sexual assaults and just assaults in general being placed upon them. This is the greatest country in the world, but if we don't speak up and speak out, our liberties will be lost.

Thank you very much.

MS. SLAUGHTER: Thank you all.

[Whereupon, at 11:46 a.m., the hearing was concluded.]

ADDITIONAL MEMBER STATEMENTS

Congressional Caucus for Women's Issues Members

The Honorable Tammy Baldwin

The Honorable Madeleine Z. Bordallo

The Honorable Julia Carson

The Honorable Jane Harman

The Honorable Sheila Jackson Lee

The Honorable Betty McCollum

Statement of Congresswoman Tammy Baldwin
Women's Caucus Hearing on Sexual Assault of Women in the Military
March 31, 2004

I join members of the Congressional Caucus for Women's Issues in expressing my shock and horror over the recent reports of sexual assault against women in the military. Sexual assault is a heinous crime that we must continue to fight, and—equally important—we must also ensure that those who are survivors of sexual assault receive adequate medical treatment and counseling.

I am appalled that women serving in the U.S. Armed Forces are reporting not only that they are being attacked, but that the military is falling short in their duty to respond to these attacks. Recent reports indicate that many women who are survivors of sexual assault are choosing to report the assaults only to civilian groups or not at all, fearing punishment, invasion of privacy, and inadequate medical treatment.

These women are being doubly victimized: first by their attackers and then by inadequate responses from the military. This is simply unacceptable. Women who are serving in the Armed Forces, working to protect our nation, deserve better.

I applaud both the Miles Foundation and the Rape, Abuse, and Incest National Network (RAINN) for providing support and services to sexual assault survivors and for bringing attention to this issue. And I wish to express my sincere appreciation to the women who have come forward to share their stories. Through your courage in coming forward, I am hopeful that we can prevent future attacks.

Also, I am pleased that the Department of Defense has undertaken an investigation into how sexual assault survivors in the military are treated, including a review of each service branch's policy on sexual assault and victim treatment. Yet, I am saddened that such a review is necessary.

It is my sincere hope that today's hearing, in conjunction with the work done by the Miles Foundation, RAINN, and the Department of Defense review, will both reduce the occurrence of sexual assaults in the military and ensure that if sexual assaults do occur, survivors are provided adequate treatment and support.

**Statement of Congresswoman Madeleine Z. Bordallo
for the
Congressional Caucus for Women's Issues
Hearing on Sexual Assault of Women in the Military
March 31, 2004**

At the close of Women's History Month, a month recognizing the contributions and achievements of women to our country, I am concerned by reports of rape and sexual assault of our women in uniform, including over 110 reported cases of sexual misconduct by military personnel in the Middle East and 92 allegations of rape reported between 2001 and 2003 to the Air Force Pacific Command (PACAF).

Lack of confidentiality, stories of retributive action taken against women who have reported their assault and lack of personnel properly trained to respond and assist victims of attack lead many to suffer in silence.

Women have proven they are capable defending our country. It is time that Congress stands to defend their pursuit of a military career without fear that they may become victims of rape or sexual assault by their fellow soldiers. What makes these cases particularly difficult is that the victims often have nowhere to turn for help within the command structure. Crimes such as rape in the armed forces are often committed where the victim is isolated and under intense pressure or removed from the support of family and friends. Without leadership support for prevention and deterrence programs, access to victim support services including mental health counselors, rape trauma specialists, and victim advocacy as well as a clear message of zero tolerance, incidents will only increase.

I want to commend General William Begert, Commander of Pacific Air Forces, for taking an active role on the issue of sexual assault among Air Force personnel under his command. He initiated a comprehensive review of sexual assault on his bases. Based on the results of the review, General Begert has taken steps to address the situation, including requiring education of personnel on prevention and response, instituting a policy for legal review of investigations and, importantly, ensuring advocacy and counseling services for victims of rape and sexual assault. General Begert's leadership on these initiatives is a very positive response to this issue. I will continue to monitor the progress of this review to ensure its recommendations have been implemented.

Finally, I want to commend the Congressional Caucus for Women's Issues for speaking out on this important issue. I especially want to thank our co-chairs, Congresswoman Louise Slaughter and Congresswoman Shelley Moore Capito for their leadership. I look forward to working together with the Caucus towards a safer military for our women. Thank you.

**Congressional Caucus for Women's Issues
Hearing on Sexual Assault of Women in the Military
Congresswoman Julia Carson
Statement**

Thank you for providing the opportunity to submit a statement on this most important and sobering issue facing women who serve in our armed forces. The subject of sexual assault and violence against women is a horrible reality that continues to plague millions in every facet of life. Together, we have raised awareness and sought to encourage and support legislation preventing abuses and violations against us.

Ironically, as we have donned our war-gear, combating sexual assault and domestic violence here at home, women are fighting on the frontlines in Iraq, Kuwait, Afghanistan and other countries. Regrettably, these soldiers are fighting two wars: The war against our adversaries and the war against sexual assault.

Voluntarily enlisting into one of the most challenging yet honorable and highly revered professions, female soldiers fight willingly and bravely for American principles. It is a dishonor and a disgrace that these same soldiers often become victims of sexual assault on the battlefield.

It is our responsibility to tackle this undignified treatment by promoting awareness of this problem and ensuring that victims have access to immediate medical care, counseling, advocate services and attorneys. Furthermore, criminal investigations must be conducted efficiently, perpetrators must be prosecuted, and victims must not fear negative consequences for coming forward.

I support the efforts of the Congressional Women's Caucus and challenge the Department of Defense Task Force on Care for Victims of Sexual Assault, to produce viable recommendations that will be implemented and will support the experiences of our women in the armed forces.

**Statement of Congresswoman Jane Harman
for the
Congressional Caucus for Women's Issues
Hearing on Sexual Assault of Women in the Military
March 31, 2004**

The Congressional Caucus on Women's Issues will hold a hearing today to examine the issue of sexual assault in the military. The hearing is an important part of the Women's Caucus' ongoing monitoring process to ensure that changes are implemented in the military to improve the services available to women in the armed services who are sexually assaulted and eliminate the culture that allows these assaults to occur.

As a member of this Caucus and co-convenor of the hearing, Congresswoman Jane Harman (CA-36) issued the following statement:

"I am deeply disturbed by the reports of women serving in the military who have been sexually assaulted and the prevalence of these assaults, particularly in combat theater in Iraq, Kuwait, and Afghanistan. Moreover, the way in which the military handled many of these cases and treated alleged victims is equally appalling. More than 59,000 female troops have been deployed overseas in the military actions in Iraq and Afghanistan and at least a dozen have perished in Iraq alone. These women who risk their lives to protect our country deserve to be treated with the same dignity and respect as their male counterparts.

This is not the first time sexual assault has plagued the military. I still recall the disgrace of Tailhook and Aberdeen Proving Ground. While serving as a member of the House Armed Services Committee, I served as co-leader of its investigation into charges of sexual misconduct at Aberdeen Proving Ground Ordnance Training Center in Maryland and Fort Leonard Wood in Missouri. Those incidents occurred at a time when the Army had in place a zero tolerance policy for sexual harassment and misconduct which turned out to be a tolerance policy.

I am deeply disappointed that several years later, the culture of the military has still not sufficiently changed. The steps that the Department of Defense (DoD) has undertaken to thoroughly investigate these assaults are welcome. I appreciate the willingness of DoD to make an honest assessment of the way in which the military handles sexual assault and the areas in which the military needs to improve its services, reporting system, and privacy for victims.

DoD's investigation, however, will not be enough. It will take dedication and vigilance on the part of DoD and the leadership of the military to implement changes that will not only improve the services available to sexual assault victims, but eliminate the culture that allows sexual assaults to occur in the first place.

It is time for the military's zero tolerance attitude towards sexual assault to become its true standard, not just empty rhetoric."

**Statement of Congresswoman Sheila Jackson Lee
for the
Congressional Caucus for Women's Issues
Hearing on Sexual Assault of Women in the Military
March 31, 2004**

Congresswoman Jackson Lee joined Congresswoman Carolyn Maloney and other members of the Congressional Caucus on Women's Issues in requesting a meeting with Secretary Donald Rumsfeld. "The problem of sexual misconduct in the military never seems to go away. The woman in most cases is held in limbo and the perpetrator goes on with his life," said Congresswoman Jackson Lee.

"I am outraged by this situation; we need a complete reformation of any system that punishes the victim. I want to know what action the Department of Defense has taken in response to the recommendations made in the reports of more than 18 investigations done since 1998," Congresswoman Jackson Lee stated. 80% of women who claim they have been sexually assaulted at the Air Force Academy did not report the incident.

"We need legal and medical protections for the victim, and a system in which they feel comfortable coming forward with information. It is my hope that my colleagues and I can talk to Secretary Rumsfeld and come to a solution," concluded Congresswoman Jackson Lee.

Congresswoman Betty McCollum
Statement - Sexual Assault of Women in Military
Congressional Women's Caucus
March 31, 2004

Thank you for allowing me the opportunity to address the issue of sexual assault in the U.S. Military. Due to a mark-up in the House International Relations Committee, I am unable to join you today. I strongly support your efforts in raising greater awareness to this issue.

I also want to thank the Women's Caucus and our distinguished group of speakers that represent a wide spectrum of knowledge and expertise on this issue. I have had the pleasure of speaking with Ms. Christine Hansen of the Miles Foundation in recent weeks and I applaud the work of the Miles Foundation to protect the victims of sexual assault in the U.S. Military and raise greater awareness to this on-going problem.

Like most Members of Congress, I was deeply troubled to learn of the many cases of sexual assault in the U.S. Military. The Pentagon's recent report of over 100 incidents of sexual assault in the Middle East over the past 14 months, followed by the Air Force's recent announcement that at least 92 incidents of rape occurred involving Air Force personnel in the Pacific, is extremely concerning. These reports indicate an unsettling trend in our military and demands greater action by the President, by the Pentagon and by Congress.

In my opinion, the Pentagon's response to sexual assault in the U.S. Military has been equally disturbing. For years, the Pentagon's reaction to sexual assault in the U.S. Military has been to issue another report or another study. In many instances, these reports and studies receive great fanfare upon release but ultimately end up sitting unattended to in a Pentagon file. Substantive actions by the Pentagon have been few and far between - a pattern I find completely unacceptable.

Unfortunately, this pattern continues today. In response to the recent reports of sexual assault of U.S. personnel in the Military, the Pentagon decided to issue *another* report on how such actions are handled. This report does not address the immediacy of the issue. It does not ensure the safety of the troops serving in the Middle East and around the world today. This report does not provide the critical assistance, counseling and accountability that our troops deserve. It's just another report, and I question whether it will lead to substantive change in the long run.

President Bush and Secretary of Defense Donald Rumsfeld must call for zero tolerance for sexual assault in the U.S. Military. Their leadership is needed with actions - not internal memorandums, sound-bites or additional reports.

I remain committed to helping address the greater problem of sexual assault in the U.S. Military and at our service academies. I look forward to working with the Women's Caucus, my colleagues in the House and all of you in these efforts.

ADDITIONAL STATEMENTS **FROM INVITED WITNESSES**

Beth, Major, U.S. Army Reserve

Laurie, Sergeant 1st Class, U.S. Army

Tobey, Officer, U.S. Air Force

Note: The above witnesses were also invited to speak at the hearing. Although they were unable to testify at the hearing in person, they submitted their written testimony with permission for distribution at the hearing and for inclusion within this report. They requested that their last names and other identifying information be withheld in order to respect their privacy. As indicated in the Executive Summary, the Congressional Caucus for Women's Issues has received more than 50 additional written statements from sexual assault survivors and others who have been affected by the issue of sexual assault. In order to respect the confidentiality and privacy of those witnesses, their written statements are not being included with this public report.

Statement of Beth, Survivor
Congressional Caucus for Women's Issues, March 31, 2004

I am a Major in the Army Reserve. Last year, at this time, I was at Camp Arifjan, Kuwait. I was assigned to an engineering command.

I appreciate the opportunity to present testimony to the Congressional Caucus for Women's Issues.

On March 20, 2003, I was attacked and raped in a female latrine located at Camp Arifjan. My assailant was a U. S. Army soldier. I believe he was an E5, Sergeant. That's the rank I believe I saw on his helmet.

Before the attack, I had finished what comes naturally in the bathroom when the alarm for an incoming scud sounded. I donned my chemical suit, gloves, boots, mask and helmet. I then contemplated leaving the fully enclosed bathroom to find a bunker. I decided I would be safer in the bathroom.

A few minutes into the alarm, someone knocked on the bathroom door and opened the door. The person asked if I was "ok," and I gave the thumbs up signal. The door closed.

It seemed that only a couple seconds passed when the door flew open and a soldier jumped in. The soldier appeared to be shaking. I figured he/she was scared about the alarm and tried to reassure the individual that everything would be ok. Since the person was not responding, I got up and attempted to put my hands on his/her shoulders and guide him/her to a sitting area.

When I tried to put my hands on his/her shoulders, he/she turned on me and kicked me in the groin. He/she then pushed me back towards the back of the latrine. At this time, I didn't know if the person was male or female.

We struggled and then I realized it was a male. He pulled off my protective mask and strangled me, telling me if I didn't shut up he would kill me. At this point, I laid still and figured if he was going to rape me he's have to work at it. To make a long story short, he did rape me.

I immediately sought medical treatment at the camp's Troop Medical Clinic (TMC). It was there that a rape kit was done by two female officers. During the examination, we had at least one scud alert where we had to go to MOPP Level 4.

After the examination, I went to CID to give them a statement. In my statement to CID at Camp Arifjan, I did not recall, nor do I now recall, him ever inserting his penis into my vagina. I thought he masturbated on my backside and this is what I wrote in my statement.

During the investigation, when the evidence came back, it "proved" that my attacker did in fact insert his penis into my vagina. CID came to the assumption that I lied. I DID NOT lie about my attack.

After my attack, the chaplain contacted the Stress Management Team on the base. I met with a counselor from this team, once a week for approximately two months. The counselor was deployed back home on or about 1 June 2003; my counseling sessions ended at that point.

I have seen a counselor a couple of times at the Veterans' Administration since my return to the states.

My biggest concern about this whole mess is that because I cannot identify my attacker, his DNA that was collected after the attack and his DNA on file cannot be used to identify him.

Congress needs to change the DOD law that will not allow military law enforcement to use the collected DNA to identify individuals who have committed crimes.

Another woman should not have to go through what I've been put through. If my testimony will change the law, then my experience will have been worth it. I now understand why women will not go to the authorities to report sexual assaults. The authorities make them the perpetrator rather than the victim.

I am currently a member of a theater support command. Thank you for the opportunity to share my experiences with members of Congress.

Statement of Laurie, Survivor
Congressional Caucus for Women's Issues, March 31, 2004

I am a Sergeant First Class. I was raped while deployed to Afghanistan in the Spring of 2003 by an officer serving with a Coalition partner. The base was run by coalition partners, but had a small number of Americans. I was there to support an operation.

I was not comfortable making a report while there and I was afraid of being treated differently and not being trusted to do my job.

I reported it after returning to Kandahar two weeks later. The officer from the Coalition partner was sent back to his home country during my time at the base.

My chain of command was supportive for the most part and I was lucky a female Major (I didn't work for) volunteered as an advocate for me. Unfortunately, her time left in Afghanistan was shorter than mine. There seemed to be some confusion about where to take the complaint, i.e., MP's, CID or SJA.

Prior to officially making a complaint, I had asked for a medical exam but was discouraged from having one by our Medical Officer. CID insisted I have an exam and it took about a week to coordinate the exam. The clinic was set up for mass casualties and sick call, without the privacy needed for an examination of a sexual assault. In addition, I am a medic who had been previously in charge of the clinic and that presented awkwardness in privacy. No medical tests could be conducted to test for various diseases. I was given a large amount of antibiotics instead.

I felt it was best for me to finish my deployment and continue to do my job, which my command agreed with because of my expertise. My direct supervisor seemed unsure about how to deal with my situation and sought advice from Mental Health. Mental Health had cleared me to go forward on missions again, feeling it would be good for me to keep busy. When Mental Health gave a 5% chance, I was pulled from going forward.

From that time on, I felt I was being treated different because of the rape. Some male soldiers accused me of being at fault for the rape to include making a false allegation.

The case had to be turned over to the Coalition partner for action with all evidence and statements. I have not heard the status or any action since. As far as I am concerned, the case was dropped and this Coalition officer is still running around eligible to rape again.

I had barely returned to the states when I was quickly and abruptly sent to a different unit. I was taken away from the command who knew what happened and my source of possible information on the case. I could not bring myself to explain it to another command.

I called CID and was told my case wasn't in the system so I was referred to MPI who had never handled my case. I had to explain the case to two different people on the phone then they advised me to come in. I talked to three others until I came to a lady who looked my case up in the system and verified it wasn't there. I had to explain to yet another person from MPI who called CID and after awhile found someone who remembered my case.

The Coalition partner had not made contact and had been asked to update us every 90 days, which wasn't happening. Each time I had to say, I was raped and where, it was like being raped repeatedly.

Another thing was that I hadn't been referred for further medical testing. When people are raped in the US, there are follow-ups for tests. For me to get that, I have to go on sick call, explain it to at least three different people in the process, and have the chance of being overheard by other patients. Part of the testing includes HIV testing. It feels like I was expected to not be affected by my rape after my return from deployment and dumped off to another unit, accordingly.

I believe that all problems have a solution. My recommendations are:

- We are subject to additional duties as senior NCOs, such as investigators for reports, surveys or sitting on promotion boards. There should be a list of senior NCOs who have received basic rape crisis training to act as liaison and advocate for victims. They can pair the victim with the correct agency so the victim doesn't have to continually explain and be revictimized. I have no idea whom to turn to on post for help, so I seek out my own answers. The rape crisis center provides advocates to stateside victims, but there are none for soldiers victimized on deployment.
- Though mass casualty is the greatest reason for combat zone medical resources, there needs to be plans and procedures for the sexual assault victim, without having to make it a major ordeal or coordination to arrange a private place. What are we telling the victim that is raped and immediately goes to the clinic, only to find out the exam will take coordination? In addition, there would have been no privacy in the initial visit because of the other patients waiting. Our clinic had patients waiting directly in front of the reception area. Privacy was a blanket or curtain in an open area.
- All leaders need pre-deployment training in sexual assault understanding in case it happens to one of their soldiers. This can happen to males as well as females. We have suicide prevention, hot weather injury prevention and drug and alcohol prevention as it is. We don't talk about or deal with sexual assaults.

I am a resourceful and experienced senior noncommissioned officer allowing me to have an idea of how to get information about my case. Younger soldiers will not know this. I feel that because of my rank, I am supposed to handle this better, but I am human as well. If this happened to one of my soldiers, I would find out whatever I could to help that soldier. It's me though, and it's hard to think after going through such a traumatic event and feeling tossed aside by my command. I have had a stellar military record.

What I really fear is losing the ground we as female soldiers have gained. I still worry more about being raped in the US than on deployments, including after my rape. The men that rape in combat zones are just as apt to do it stateside, probably more so. I would deploy again if told to do so and go forward to do my job, just more careful and alert the next time.

I do not expect to see accountability for my case. I believe the Coalition partner dropped and/or ignored this case, which places a rapist out there to victimize another woman. That woman could possibly be another American soldier.

Statement of Tobey, Survivor
Congressional Caucus for Women's Issues, March 31, 2004

I am an officer in the U. S. Air Force. About fourteen months ago, I was date raped by another officer.

At first, I was in shock or denial about what had occurred. I, finally, told my commander about the rape three weeks later.

Before telling my commanders, I called OSI, Office of Special Investigations, anonymously, to ask if I even had anything to come forward with. They told me that I had a case and to make a report.

I told my Colonel the next day and was taken off of my job.

Another two weeks passed, five weeks after the rape, I went in to speak to OSI. The agent quickly found out who I was when I admitted to being the anonymous caller. This agent said he spoke to another agent and since I had used one word in describing what happened, I did not have a case.

I went on to ask, "Well, what if this happened...?" This agent then stated that he did not know what happened.

Basically, the office that is supposed to investigate made up their own minds on what occurred without getting more than a snippet of information from an anonymous phone call. I was turned away.

After complaining to my Colonel, OSI's reaction quickly changed. They couldn't wait to talk to me.

Around the same time, five weeks after the rape, I went to JAG, Judge Advocate General, to see if there was anything to what I said happened. A Lieutenant Colonel at JAG agreed that a crime had been committed and wanted me to go back to OSI.

I went back to OSI to tell them what occurred. I offered them my apartment, the crime scene, and they did not want it.

I later moved, gave away furniture associated with the crime, and tried to forget.

Approximately six or seven weeks later, OSI called me into their office. They told me that the alleged offender denied anything even happened. They now, magically, wanted to look at my apartment. I didn't live there anymore. But, I had offered before. I asked them if they wanted to speak to my old neighbors. It apparently did not occur to them.

Shortly, after this meeting, OSI told me my case was closed and unfounded.

Later, about another six weeks or so, JAG called me in. The Lieutenant Colonel said he read the OSI report, there wasn't enough to go to trial, and my case was still open, but not with OSI. He went on to tell me that if he were a defense attorney, he would tell me, "I gave the offender mixed signals and that 'no' was not enough."

Well, I didn't just say "no." I also said, "I don't want to do this yet," and I tried to physically hold my underwear. This date rape occurred on the fourth date!

I contacted the victim advocate on base only to be asked if anything like this had happened to me before, because I reacted so strongly to a rape. I tried working with this advocate to get a story in the base newspaper anonymously. To this day, it has never appeared.

The Lieutenant Colonel at JAG said "quit blaming yourself." Why do I have to blame myself when the base does it for me?

I am highly critical of JAG and OSI because they are supposed to "help," not blame. They claim that they won't turn anyone away again. I cannot be certain of this, nor do I trust that it will not happen to another victim or survivor.

Currently, my offender is still on base unpunished.

I have lost my primary job in the Air Force and have to be reclassified. It took me 13 months to get through tech school and waiting for a security clearance. I got to perform my job for one year.

I am being punished for a rape. What else if the military going to take from me?